

The Director of Central Intelligence

Washington, D.C. 20505

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The Honorable William French Smith
Attorney General
Department of Justice
Washington, D.C. 20530

Dear Bill:

The Office of Management and Budget recently requested the views of the Central Intelligence Agency on S. 1630, the "Criminal Code Reform Act of 1981." We have just completed our initial review of this Bill and its House companion measures, and we have concluded that as currently drafted they pose some problems for the Agency and the rest of the Intelligence Community.

The Criminal Code reform legislation being considered in the 97th Congress is an improvement over its predecessors, but further modifications are needed to ensure that there is no unintended adverse impact on the Intelligence Community. The Bills appear, for example, to place an excessive reliance on common law defenses in lieu of specific exceptions for activities conducted by government personnel, and in a number of instances no cognizance at all is taken of intelligence equities. We will be formulating a detailed explanation of our concerns, and I will be pleased to send it to you.

I share your view that enactment of a comprehensive Criminal Code Bill would be an important positive achievement, but I believe that we must move slowly and carefully in order to ensure that the nation's intelligence efforts are not inadvertently impeded in the process. I trust that your staff will endeavor to coordinate the Department's position on the Criminal Code Bills with us to ensure that this does not occur.

Sincerely,

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William J. Casey

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TAB B